

## Tourism Act, 2011 Act 817

### ARRANGEMENT OF SECTIONS

#### *Establishment, functions and governing body*

1. Establishment of the Ghana Tourism Authority
2. Object of the Authority
3. Functions of the Authority
4. Governing body of the Authority
5. Tenure of office of members of the Board
6. Meetings of the Board
7. Disclosure of interest
8. Establishment of committees
9. Allowances
10. Ministerial directives

#### *Administration and staff of the Authority*

11. Departments of the Authority
12. Chief Executive
13. Functions of the Chief Executive
14. Appointment of other staff
15. Regional offices of the Authority
16. District offices of the Authority

#### *Finances of the Authority*

17. Funds of the Authority
18. Annual budget of the Authority
19. Accounts and audit
20. Annual report and other reports

#### *Tourism Development Fund*

21. Establishment of the Tourism Development Fund
22. Object of the Fund
23. Sources of the Fund
24. Management of the Fund

#### *Registration and licensing of tourism enterprises*

25. Tourism enterprises to be licensed
26. Application for licence and consideration of application
27. Grant of licence
  
28. Non-transferability of licence
  
29. Registration of managers of enterprises

30. Renewal of tourism enterprise licence
31. Power to suspend, cancel or modify licence
32. Complaints on services provided by operator

*Tourism Appeal Panel*

33. Establishment and membership of Tourism Appeal Panel
34. Appeals against acts of the Authority

*Duties, liabilities and privileges of tourism enterprise licence holders*

35. Register to be kept by tourist accommodation licensees
36. Liability to guests
37. Notice on premises of tourism enterprises in respect of property of guest
38. Right of sale

*Inspectors*

39. Appointment of inspectors
40. Powers of inspectors
41. Obstruction of inspectors

*Public Private Partnership Forum*

42. Public Private Partnership Forum

*Miscellaneous provisions*

43. Settlement by alternative dispute resolution
44. Advertisements and promotions
45. Designation of tourist sites
46. Export of trophy

47. Antiquities
48. Regulations
49. Dissolution of existing Board and vesting of assets in Authority
50. Interpretation
51. Repeal, saving and transitional provisions

***SCHEDULE***

**THE EIGHT HUNDRED AND SEVENTEENTH**

**ACT**

**OF THE PARLIAMENT OF THE REPUBLIC OF GHANA**

ENTITLED

**TOURISM ACT, 2011**

AN ACT to establish the Ghana Tourism Authority to regulate the tourism industry and to provide for related matters.

DATE OF ASSENT: *16th May, 2011.*

PASSED by Parliament and assented to by the President:

*Establishment, functions and governing body*

**Establishment of the Ghana Tourism Authority**

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana Tourism Authority.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Object of the Authority

2. The object of the Authority is to promote the sustainable development of the tourism industry internationally and within the country.

Functions of the Authority

3. To achieve its object, the Authority shall

- (a) implement and ensure compliance with the Regulations developed in accordance with this Act;
- (b) grant licences for the tourism industry, regulate and supervise tourism enterprises;
- (c) regulate and monitor the activities of licensees;
- (d) initiate, conduct, promote and encourage studies for the growth and development of the tourism industry;
- (e) oversee the administration of the Tourism Development Fund and ensure that the Fund is used for the required purposes;
- (f) ensure collaboration with other public, private and international agencies;
- (g) ensure the management and development of appropriate designs for tourist sites;
- (h) investigate and take measures to eliminate illegal, dishonourable, unsound and improper activities in relation to any activity regulated under this Act;
- (i) establish standards, guidelines and codes of practice in relation to carrying on or running a tourist enterprise and attractions;
- (j) ensure pro-poor, sustainable and responsible tourism;
- (k) develop standards and guidelines for designs for use at tourist attractions and enterprises to reflect Ghanaian culture;
- (l) take appropriate measures for the safety and security of consumers of the tourism industry;
- (m) collect, compile and publish information and statistics in respect of activities regulated under this Act;
- (n) advise the Minister on policy issues generally on matters related to the tourism industry;
- (o) identify and acquire suitable land for tourism development; and
- (p) perform any other function incidental or conducive to the attainment of the object of the Authority.

#### **Governing body of the Authority**

4. (1) The governing body of the Authority is a Board consisting of

(a) a chairperson who is from the private sector,

(b) one representative each, who is not below the rank of Director, from

- (i) the Ministry of Tourism,
- (ii) the Ministry of Finance and Economic Planning,
- (iii) the Ministry of Local Government and Rural Development,
- (iv) the Ministry of Culture and Chieftaincy Affairs,
- (v) the Ministry of Lands and Natural Resources, and
- (vi) the Ministry of Environment, Science and Technology.

(c) three persons appointed from the tourism private sector with the requisite professional qualification taking gender balance into consideration, and

(d) the Chief Executive of the Authority.

(2) The members of the Board shall be appointed by the President accordance with article 70 of the Constitution.

(3) The Board shall perform the functions of the Authority.

#### **Tenure of office of members of the Board**

**5.** (1) A member of the Board shall hold office for a period of not more than three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board other than the Chief Executive who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 7,

(b) as a result of a revocation of appointment under subsection (5), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy in accordance with article 70 of the Constitution.

### **Meetings of the Board**

6. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one third of the membership of the Board, convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is six members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

### **Disclosure of interest**

7. (1) A member of the Board who has an interest in a matter for consideration by the Board

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

(a) fails to disclose that interest, or

(b) participates in the deliberations of the Board in respect of the matter.

#### Establishment of committees

8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

(2) A committee of the Board may be chaired by a member of the Board.

#### Allowances

9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

#### Ministerial directives

10. The Minister may, in writing, give policy directives that are consistent with the provisions of this Act to the Board and the Board shall give effect to the directives.

#### *Administration and staff of the Authority*

##### Departments of the Authority

11. The Authority shall have departments and units that are necessary for the efficient performance of its functions.

##### Chief Executive

12. (1) The President shall in accordance with article 195 of the Constitution appoint a Chief Executive for the Authority.

(2) The Chief Executive shall hold office on terms and conditions specified in the letter of appointment.

(3) The Chief Executive shall delegate an officer of the Authority to serve as Secretary to the Board.

##### Functions of the Chief Executive

13. (1) The Chief Executive is responsible for the day to day administration of the affairs of the Authority and is answerable to the Board for the performance of the functions of that office.

(2) The Chief Executive shall perform any other function determined by the Board.

(3) The Chief Executive may delegate a function to an officer of the Authority but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

#### **Appointment of other staff**

**14.** (1) The President shall in accordance with article 195 of the Constitution, appoint other staff of the Authority that are necessary for the proper and effective performance of the Authority's functions.

(2) Other public officers may be transferred or seconded to the Authority or may otherwise give assistance to it.

(3) The Authority may engage the services of advisers on the recommendations of the Board.

### **Regional offices of the Authority**

**15.** (1) The Board shall establish regional offices of the Authority in each Region.

(2) The regional offices shall perform the functions determined by the Board.

### **District offices of the Authority**

**16.** (1) The Board shall establish district offices of the Authority in each district.

(2) The district offices shall perform functions determined by the Board.

### *Finances of the Authority*

### **Funds of the Authority**

**17.** The funds of the Authority include

(a) moneys approved by Parliament,

(b) fees from income-generating activities,

(c) donations, loans and grants,

(d) funds approved by the Board, and

(e) any other moneys that are allocated by the Minister responsible for Finance.

### **Annual budget of the Authority**

**18.** The Authority shall, not later than three months before the end of each financial year, cause to be prepared and submitted to the Minister, an annual budget in respect of the ensuing financial year.

### **Accounts and audit**

**19.** (1) The Board shall keep books of account and proper records in relation to them in a form approved by the Auditor-General.



(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the end of the financial year, audit the accounts and forward a copy of the audit report to the Minister.

### **Annual report and other reports**

**20.** (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor- General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other report which the Minister may require in writing.

### *Tourism Development Fund*

### **Establishment of the Tourism Development Fund**

**21.** There is established by this Act a Tourism Development Fund.

### **Object of the Fund**

**22.** (1) The object of the Fund is to provide funding for tourism and tourism-related projects and programmes.

(2) To achieve the object of the Fund, moneys from the Fund shall be applied for relevant tourism activities as the Board may determine including in particular

(a) marketing and promotion of tourism;

(b) capacity building, market research and development of tourism infrastructure;

(c) development and promotion of other entrepreneurial activities;

(d) tourism export trade-oriented activities of institutions; and

(e) tourism education and training.

### **Sources of the Fund**

**23.** The sources of the Fund include

(a) seed capital from the Government,

- (b) one per cent levy payable by a patron of a tourism enterprise specified in the Schedule,
- (c) donations and grants,
- (d) moneys earned by the operation of any project, enterprise financed from the Fund or investments, and
- (e) other moneys that the Minister for Finance in consultation with the Minister may determine with the approval of Parliament.

### **Management of the Fund**

**24.** (1) The Fund shall be administered by the Board and a representative of the Controller and Accountant-General.

(2) The moneys for the Fund shall be paid into a bank account opened by the Board with the approval of the Controller and Accountant-General.

(3) In furtherance of subsection (1), the Board shall

- (a) arrange for the effective and efficient collection of moneys assigned to the Fund;
- (b) identify other sources of funding;
- (c) co-ordinate and ensure total and timely accountability of the Fund;
- (d) prepare and publish procedures for disbursement of the Fund;
- (e) formulate general financial strategies and policies for the growth of the Fund;
- (f) evaluate and approve projects in need of funding;
- (g) determine the certification necessary to ensure that work is completed according to specification;
- (h) review the annual programmes and projects submitted by the public and private sector agencies for funding; and
- (i) perform other functions that may be incidental to its functions.

(4) Sections 19 and 20 on accounts and audit and annual report and other reports apply to the Fund.

*Registration and licensing of tourism enterprises*

### **Tourism enterprises to be licensed**

**25.** (1) The Authority shall register and license tourism enterprises and sites.

(2) A person shall not operate a tourism enterprise listed in the Schedule unless that person holds a valid licence issued by the Authority in respect of that tourism enterprise.

(3) A person who contravenes subsection (2), commits an offence and is liable on summary conviction to a fine of not more than one hundred penalty units or imprisonment for a term of not more than six months or to both.

### **Application for licence and consideration of application**

**26.** (1) An application for a licence for a tourism enterprise shall be made in a form prescribed by the Authority and shall be accompanied with a fee determined by the Minister responsible for Finance.

(2) On receipt of an application, the Authority may make investigations and may require the applicant to submit further information if the Authority considers it necessary for the determination of the application.

(3) The Authority shall within three working days after receipt of an application, acknowledge receipt and shall within a reasonable period after the three working days and in any event not exceeding thirty working days after the three working days, inform the applicant in writing of the decision of the Authority.

(4) For the purposes of subsection (2), the Authority shall cause an inspection of the premises to which the application relates to be conducted by an inspector authorised by the Authority.

(5) The inspector shall submit a report in a form prescribed by the Authority.

### **Grant of licence**

**27.** (1) For the purpose of registration and licensing of tourism enterprises, the Authority shall set up an inter-agency committee to consider applications for licences granted by the:

(a) District Planning Authority of the area concerned;

(b) Environmental Protection Agency;

(c) District Health Directorate;

(d) National Fire Service; and

(e) Police Criminal Investigation Department.

(2) The Authority shall satisfy itself, before issuing a licence for a tourism enterprise that

(a) proper provision has been made for sanitation in the premises, for the storage, preparation, cooking and serving of food and drink on the premises where food is to be provided and for the health and comfort of persons using the premises;

(b) the premises conform to any laws related to sanitation and public health and safety which apply to the application;

(c) the applicant has an insurance policy which covers fire and public liability; and

(d) the applicant has complied with conditions prescribed by Regulations.

(3) The Authority may grant or refuse to grant a licence after considering an application and examining the matters that appear to the Authority to be relevant to the application.

(4) Where the Authority refuses to grant an application, the reason shall be communicated to the applicant within fourteen days after the decision.

(5) A person whose application for a licence is refused may apply to the Tourism Appeal Panel established under section 33 for a review of the decision.

(6) There may be conditions determined by the Authority attached to a licence.

(7) The Authority may prescribe further conditions for licensing a tourism enterprise.

### **Non-transferability of licence**

**28.** (1) A licence issued in respect of a tourism enterprise shall not be transferred to another enterprise.

(2) A person who transfers or attempts to transfer a licence commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or imprisonment for a term of not more than two years or to both.

(3) Subsection (2) does not prevent a person from transferring a licence upon sale of a tourism enterprise.

(4) Due diligence shall be carried out by the Authority before a transfer is effected.

### **Registration of managers of enterprises**

**29.** (1) A person shall not manage a tourism enterprise or exercise overall control over the daily operation of the enterprise whether as the owner or manager unless that person is registered with the Authority.

(2) A person shall not be registered by the Authority as owner or manager of a tourism enterprise if the person has been declared bankrupt or has been convicted of a serious offence.

(3) Despite subsection (2), a person convicted of a serious offence may be registered by the Authority as owner or manager of a tourism enterprise if

(a) ten years or more have passed since the date of conviction of the serious offence, or

(b) the person has been pardoned by the President.

(4) The Authority may prescribe further provisions on matters related to the staff of a tourism enterprise.

### **Renewal of tourism enterprise licence**

**30.** (1) A licence issued in respect of a tourism enterprise is for a period of twelve months and is subject to renewal at the end of the period.

(2) A person who desires to renew the licence shall submit an application for the renewal to the Authority not later than one month before the licence expires.

(3) The procedure for the renewal of a licence is the same as that for the grant of the original licence and is subject to the payment of the renewal fee.

(4) An operator of a tourism enterprise who fails to renew the licence or whose application for renewal is rejected by the Authority shall cease to operate the tourism enterprise.

### **Power to suspend, cancel or modify licence**

**31.** (1) The Authority may suspend, cancel or modify a licence for the operation of a tourism enterprise for contravention of this Act, any Regulations made under it or any conditions to which the licence is subject.

(2) The Authority may suspend, cancel or modify a licence if it has reasonable grounds for the cancellation or modification.

(3) The Authority shall not suspend, cancel or modify a licence unless the Authority has given the holder of the licence

(a) at least thirty working days' written notice, in the case of suspension, or

(b) at least ninety days' written notice, in the case of cancellation or modification.

(4) The notice shall state

(a) that the Authority proposes to suspend, cancel or modify the licence, and

(b) the reason for the suspension, cancellation or modification of the licence.

(5) The Authority shall consider a representation or objection made to it before the cancellation or modification is made.

(6) The notice shall be given

(a) by the Authority by publication in the *Gazette* to bring the suspension, cancellation or modification to the attention of a person likely to be affected by the notice, and

(b) by sending a copy of the notice to the tourism enterprise.

(7) A person dissatisfied with a decision of the Authority in respect of renewal of a licence, may apply to the Panel for a review in accordance with section 34.

### **Complaints on services provided by operator**

**32.** (1) A person who is dissatisfied with the manner in which a tourism enterprise is conducted, may make a written complaint to the Authority except that a complaint shall not be accepted by the Authority unless it is made within thirty days after the matter complained of first came to the notice of the complainant.

(2) Upon receipt of a complaint, the Authority shall

(a) reject the complaint summarily if satisfied that the complaint is frivolous, vexatious or merely trivial, or

(b) otherwise investigate and determine the complaint.

(3) The Authority

(a) shall inform the operator concerned of the nature of the complaint within thirty days and afford the operator an opportunity to be heard, and

(b) may act on general statements or information related to the manner in which the business of the operator is conducted in any investigation.

(4) A complaint under this section shall be determined by a three member committee appointed by the Board.

(5) The Board shall appoint one of the members of the committee as the chairperson.

(6) A complaint committee shall regulate its own procedure and shall on completion of an investigation, submit recommendations to the Board for consideration.

*Tourism Appeal Panel*

**Establishment and membership of Tourism Appeal Panel**

**33.** (1) There is established by this Act a Tourism Appeal Panel which shall consider and determine appeals provided for under section 34.

(2) The Panel consists of

(a) four members appointed by the Minister in consultation with major stakeholders, and

(b) a representative of the Attorney-General not below the level of a Principal State Attorney who shall be the chairperson.

(3) The term of office of a member of the Panel is three years but the member is eligible for re-appointment.

(4) The quorum at any meeting of the Panel is three, including the chairperson.

(5) The Panel may co-opt an expert for the purpose of its work but the co-opted person may only advise the Panel and shall not have voting rights.

(6) The Panel shall hear, review and deliberate on an appeal in accordance with this Act and rules of procedure set out in Regulations made under this Act.

(7) A member of the Board or an officer of the Authority shall not be a member of the Panel.

(8) The Panel shall regulate the procedure for its meetings.

(9) A person dissatisfied with a decision of the Panel may institute an action in a court.

(10) The Minister shall prescribe the allowances to be paid to members of the Panel in consultation with the Minister for Finance.

**Appeals against acts of the Authority**

**34.** (1) A person who is aggrieved by

(a) the refusal of the Authority to grant or modify a licence;

(b) any condition attached to a licence;

(c) the modification, suspension or cancellation of a licence; or

(d) any other decision of the Authority

may, within fourteen days after the notification has been received of the act complained of, appeal in writing to the Panel.

(2) Where the Authority has suspended, modified or cancelled a licence, the suspension, modification or cancellation shall not take effect until the end of the time within which an appeal may be made to the Panel or, if an appeal has been made, until the appeal has been determined, except where the closure has been in the public interest.

*Duties, liabilities and privileges of tourism enterprise licence holders*

Register to be kept by tourist accommodation licensees

**35.** (1) A holder of a tourist accommodation licence shall keep a register on the premises and shall enter in the register the name and address of each guest who stays in the accommodation and other particulars that the Authority may prescribe.

(2) The register shall be retained by the holder of the tourist accommodation licence for at least five years.

(3) Each guest shall be provided with a registration card which shall be completed by the guest and submitted by the licensee to the Authority as demanded in writing.

(4) A person who

(a) fails to comply with this section, or

(b) makes or permits to be made in any register or book kept under this section, an entry which the person knows or has reason to believe is false commits an offence and is liable on summary conviction to a fine of not more than one hundred penalty units or to imprisonment for a term of not more than six months or to both.

**Liability to guests**

**36.** A holder of a tourism enterprise licence is not liable to make good to a guest any loss of, or damage to property brought to the licensee's premises by the guest unless at the time the loss or damage occurred, the

guest had sleeping accommodation at the premises, the notice referred to in section 37 was in place and

(a) the property was stolen, lost or damaged through the default, neglect or wilful act of the licensee or a person in the employment of the licensee; or

(b) the property was deposited by or on behalf of the guest expressly for safe custody with the licensee or a person in the licensee's employment authorised or who appeared to be authorised for the purpose.



## Notice on premises of tourism enterprises in respect of property of guest

**37.** A holder of a tourism enterprise licence shall display a notice on the premises of the tourism enterprise relating to property brought to the premises by a guest in the form that may be prescribed.

## Right of sale

**38. (1)** The holder of a tourism enterprise licence has the right to confiscate and may sell property deposited or left with the licensee or on the premises of the licensee where the guest is indebted to the licensee for non-payment of accommodation, food or services used or consumed by the guest except that the sale shall not be made until the expiration of three months after the date the debt accrued and remains unpaid.

(2) The licensee shall retain an amount sufficient to cover the debt and expenses incurred in respect of the sale and shall pay to the guest on demand any surplus money.

(3) Lost and found items on the premises of the licensee may be sold by the licensee after three months' notice is given to the guest in accordance with the particulars given by the guest in the register.

## *Inspectors*

### Appointment of inspectors

**39. (1)** The Authority shall appoint inspectors for the effective implementation of its functions under this Act.

(2) An inspector shall be issued with a certificate of appointment by the Authority.

(3) An inspector shall, in the discharge of the inspector's duties, produce the certificate whenever required by the manager or other person responsible for a tourism enterprise under this Act.

### Powers of inspectors

**40. (1)** An inspector may

(a) monitor on-going projects of physical structures of tourism enterprises before the grant of a licence for the tourism enterprise;

(b) enter, inspect and examine a tourism enterprise during working hours, by day or by night;

(c) take along a police officer in the discharge of the duties under paragraph (a) if the inspector has reasonable cause to expect obstruction in the execution of the inspector's duty;

(d) require the production of any register, licence or document kept in pursuance of this Act and to inspect, examine and copy any of the documents;

(e) make or cause to be made any examination and enquiry necessary to ascertain whether the provisions of this Act and enactments in force related to public health are being complied with by a tourism enterprise and any employees of the enterprise;

(f) require a person who the inspector finds in a tourism enterprise to give information as to who is the operator of the enterprise if it is in that person's power to give the information; and

(g) inspect premises with inspectors from other agencies which may include Food and Drugs Administration, Ghana National Fire Service and Environmental Protection Agency.

(2) The operator, agent or staff of the operator of a tourism enterprise, shall facilitate the requirements of an inspector necessary for an entry, inspection, examination, enquiry, the taking of samples, or otherwise for the exercise of the powers of the inspector under this Act in relation to that enterprise.

#### Obstruction of inspectors

**41.** (1) A person who obstructs an inspector in the performance of a function under this Act commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

(2) A person who is in charge of a tourism enterprise for the time being and who

(a) wilfully delays an inspector in the performance of the inspector's functions,

(b) fails to produce any register, licence or document which the person is required to produce under this Act, or

(c) withholds any information concerning the enterprise,

is considered to have obstructed an inspector in the performance of the inspector's functions under this Act.

#### *Public Private Partnership Forum*

#### **Public Private Partnership Forum**

**42.** (1) There shall be a Public Private Partnership Forum to encourage public private partnerships to promote tourism development opportunities.

(2) The Forum shall be organised by the Ministry in collaboration with the Authority and the Private Sector.

(3) The Forum shall be used by the Ministry to interact with the private sector on matters concerned with the tourism industry.

(4) The Forum shall establish committees to deal with specific Issues.

(5) The Forum shall meet at least once each quarter at a place and time to be determined by the Minister.

#### *Miscellaneous provisions*

#### **Settlement by alternative dispute resolution**

**43.** In accordance with the Alternative Dispute Resolution Act, 2010 (Act 798), tourism enterprises may agree to use alternative dispute resolution methods for the resolution of conflict between them.

#### **Advertisements and promotions**

**44.** (1) An advertisement or promotion in respect of tourism information by any person shall be certified by the Authority.

(2) An advertisement or promotion in respect of tourism information shall not be made which has the effect or is likely to have the effect of

(a) misleading consumers or withholding from them adequate information as to their rights and obligations under a consumer transaction,

(b) otherwise misleading or confusing consumers as regards any matter related to a consumer transaction, or

(c) corrupting public morals.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty penalty units or a term of imprisonment of two years or to both.

(4) The Authority in collaboration with other public agencies, may in addition, direct a person responsible for the dissemination of the advertisement to withdraw or modify it.

#### **Designation of tourist sites**

**45.** (1) The Minister, on the advice of the Authority, may by Regulations designate a location which is predominantly visited by tourists or has potential as a tourist site and set standards for the tourist site.

(2) Where a location has been designated as a tourist site, the Minister may consult with the appropriate body for the control, conduct or prohibition of activities at the location.

(3) Where the location to be designated as a tourist site is

(a) under the administrative control of another Ministry, department, agency or other body, or

(b) private property

the Minister shall, in consultation with the relevant institution and property owner designate the site as a tourist site.

### **Export of trophy**

46. A tourist shall not export a trophy from the country except in accordance with the Wild Animals Preservation Act, 1961 (Act 43).

### **Antiquities**

47. A tourist shall only deal with an antiquity in accordance with the National Museum Act, 1969 (N.L.CD. 387).

### **Regulations**

48. (1) The Minister may on the recommendations of the Board by legislative instrument make Regulations

(a) to amend the Schedule to this Act;

(b) to design and manage tourism development;

(c) prescribing conditions for registration and licensing of tourism enterprises;

(d) prescribing the minimum room sizes for hotel rooms;

(e) for the classification of hotels;

(f) prescribing the duties and obligations of licensees in relation to the carrying on or management of hotel and catering enterprises, whether generally or in respect of any class of enterprise;

(g) prescribing the categories of tourist enterprises;

(h) prescribing standards required to be maintained by tourism enterprises and sites;

(i) prescribing standards for ancillary services supplied by tourism enterprises;

(j) for matters including health conditions of managers and other staff of tourism enterprises and sites;

- (k) for matters related to food and beverages served in a tourism enterprise;
- (l) providing for the display of notices;
- (m) prescribing the procedures for entry and inspection of premises;
- (n) prescribing the procedure and conditions for the licensing and operation of charter flights in consultation with the Ghana Civil Aviation Authority and tourism enterprises;
- (o) for the safety, security and welfare of tourists;
- (p) for tour guides;
- (q) encouraging pro-poor business behaviour within the tourism sector;
- (r) prescribing the forms to be used for the purposes of this Act;
- (s) for the prohibition of any activity or types of activity which are not in the public interest;
- (t) for any matter to be prescribed under this Act; and
- (u) generally for carrying out the provisions of this Act.

(2) A person who commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

(3) The Minister responsible for Finance shall prescribe fees to be paid under this Act.

### **Dissolution of existing Board and vesting of assets in Authority**

49. (1) The Ghana Tourist Board in existence at the commencement of this Act is hereby dissolved.

(2) The assets, rights, property, obligations, liabilities and staff of the Board established under the Ghana Tourist Board Act 1973 (N.R.C.D.224) as amended by S.M.C.D. 80 and in existence immediately before the coming into force of this Act shall be transferred to the Authority.

### **Interpretation**

50. In this Act unless the context otherwise requires "advertisement" means any material, written, published, broadcast or otherwise containing an invitation to enter into a consumer transaction;

"ancillary services" include casinos, hairdressing salons and gymnasia;

"antiquity" has the meaning given to it in the National Museum Act, 1969 (N.L.C.D. 387);

"Authority" means the Ghana Tourism Authority established under section 1 (1);

"Board" means the governing body of the Authority provided for in Section 4;

"charter flight" includes any flight, whether taking place wholly within the country or partly within the country and partly outside the country on which the entire space is hired by one person at a reduced rate on behalf of a group of persons;

"consumer of tourism products and services" means someone who does not fit the definition of a tourist but uses tourism services and facilities;

"court" means a District Court, Circuit Court or the High Court;

"domestic tourist" is a person who travels to a place within the country of residence, outside his or her normal environment for not more than one year for an unremunerated tourism activity;

"Fund" means the Tourism Development Fund established under section 21;

"guest" means the person registered to stay in tourist accommodation;

"inspector" means a person with the requisite qualification appointed by the Authority under section 39;

"institution" means a body corporate that is approved and designated by the Board to transact business for the purpose of this Act;

"international tourist" is a person who leaves his or her residence to travel to another country or travel away from his or her usual environment for at least one night but less than one year for an activity which is not remunerated;

"Minister" means the Minister responsible for Tourism;

"organisation" includes a civil society group, community-based group, non-governmental group and a traditional authority;

"Panel" means the Tourism Appeal Panel established under section 33;

"policy support" means planning in the tourism industry to address the needs of local procedures and domestic consumers of tourism;

"prescribe" means prescribe by Regulations;

"premises" includes any house, building, structure, tent, caravan, land, ship, boat and aircraft;

"private sector" means the part of the economy which is not funded by the Government or from moneys provided by Parliament;

"pro-poor tourism" is an approach to tourism aimed to generate net economic, social, environmental and cultural benefits for the poor by unlocking opportunities for the poor with tourism;

"serious offence" means an offence for which the maximum penalty is death or imprisonment for a period not less than twelve months;

"spa" is a place where people go for beauty treatments and exercise in order to keep fit and types include day spas, resource spas, destination spas and cruise spas;

"sustainable tourism" means tourism based on environmental management that meets the needs of present generations without compromising the environmental balance and the ability of future generations to meet their needs as well;

"tour guide" means a person who accompanies a tourist and furnishes the tourist with information or comments as regards any matter of historical, archaeological, botanical, ethnological, cultural, social or other;

"tourism" means the free-will, voluntary and temporary movement of people from their place of residence to another place in order to rest or recover, see historical or cultural monuments or the movement for another purpose;

"tourist accommodation" includes a hotel, guest house, motel, home lodge and other establishments specified under paragraph 1 of the Schedule;

"tourism activity" means commercial activity that contributes to the provision of accommodation, catering and other related tourism ventures and meets the needs of people who are travelling for pleasure or on business carried out for purposes of a touristic nature;

"tourism development" is the provision of service to enhance an area by tourism activity;

"tourism enterprise" means an establishment or activity specified in the Schedule;

"tourism industry" includes expenditure incurred by a tourist for pre-trip expenditure on travel and boarding, travel and en route expenditure and spending at the place of destination and tourist or group charter flight services;

"tourism operator" includes the wider business community, emerging entrepreneurs, small-scale enterprises, sole traders, and the informal sector engaged in the tourism industry;

"tourism products" are provided to tourists, in particular, transport, accommodation, food, leisure, wildlife and sightseeing activities;

"tourism safety" means the health and well-being of a tourist;

"tourism service" is the system of supplying benefit for tourism activity;

"tourism site" means an area capable of generating flows of national, regional and international tourism due to the relevant characteristics of the area based on the natural, cultural and historical value of the area where the economic

"tour guide" means a person who accompanies a tourist and furnishes the tourist with information or comments as regards any matter of historical, archaeological, botanical, ethnological, cultural, social or other;

"tourism" means the free-will, voluntary and temporary movement of people from their place of residence to another place in order to rest or recover, see historical or cultural monuments or the movement for another purpose;

"tourist accommodation" includes a hotel, guest house, motel, home lodge and other establishments specified under paragraph 1 of the Schedule;

"tourism activity" means commercial activity that contributes to the provision of accommodation, catering and other related tourism ventures and meets the needs of people who are travelling for pleasure or on business carried out for purposes of a touristic nature;

"tourism development" is the provision of service to enhance an area by tourism activity;

"tourism enterprise" means an establishment or activity specified in the Schedule;

"tourism industry" includes expenditure incurred by a tourist for pre-trip expenditure on travel and boarding, travel and en route expenditure and spending at the place of destination and tourist or group charter flight services;

"tourism operator" includes the wider business community, emerging entrepreneurs, small-scale enterprises, sole traders, and the informal sector engaged in the tourism industry;

"tourism products" are provided to tourists, in particular, transport, accommodation, food, leisure, wildlife and sightseeing activities;

"tourism safety" means the health and well-being of a tourist;

"tourism service" is the system of supplying benefit for tourism activity;

"tourism site" means an area capable of generating flows of national, regional and international tourism due to the relevant characteristics of the area based on the natural, cultural and historical value of the area where the economic activity is based mainly on the development of tourism activity; and

"trophy" includes an animal dead or alive and a bird mentioned in the Schedule to the Wild Animals Preservation Act, 1961 (Act 43) but excludes a trophy which has lost its original identity by a manufacturing process carried out in good faith.

## **Repeal, saving and transitional provisions**



**51.** (1) The following enactments are hereby repealed

(a) Hotel Proprietors Act, 1957 (No. 20); and

(b) Ghana Tourist Control Authority Act, 1973 (N.R.C.D. 224).

(2) Despite the repeal of the enactments specified in subsection (1), any Regulations, bye-laws, notices, orders, directions, appointments or other acts lawfully made or done under the repealed enactments and in force immediately before the commencement of this Act shall continue to have effect as if made under this Act with the necessary modification until amended, revoked, cancelled, withdrawn or terminated under this Act.

(3) The Civil Aviation(Air Transport Licensing) Regulations, 1976 (L.I.1075) shall apply with the necessary modification to flights on behalf of tourists or closed groups.

(4) On the commencement of this Act, a person who holds a licence issued under the repealed enactment and who desires to operate under this Act shall within six months after the commencement of this Act apply to the Authority for a licence under this Act

## **SCHEDULE**

### **Tourism Enterprise**

*(Section 25)*

#### **A. Establishment**

1. Tourist accommodation includes:

(a) a hotel,

(b) a guest house,

(c) a motel,

(d) a motel and highway rest stop;

(e) a home lodge, home stay and inn,

(f) a serviced flat, holiday apartment,

(g) a tourist camp, caravan

(h) a hostel;

(i) a resort;

(j) a lodge;

(k) a highway rest stop;  
(l) an eco-lodge;

(m) a commercial accommodation on site; and  
(n) a commercial village tourism facility.

2. Places where food, beverages and entertainment services are provided including:

(a) a restaurant;  
  
(b) an entertainment centre;  
(c) a tea room or spot; and  
(d) a rest stop.

3. Nightclubs and theatres

(a) a nightclub;  
  
(b) a pub;  
  
(c) a movie house; and  
(d) a theatre.

4. Travel Trade Enterprises including

(a) a tour operator,  
  
(b) a travel agency;  
  
(c) a car rental;  
(d) a tour guide,  
  
(e) a charter flight operator; and  
(f) a site guide.

5. Banqueting facilities

(a) a theme park;  
  
(b) a commercial swimming pool facility;  
(c) a beach recreational facility;  
  
(d) an event house; and  
  
(e) a health farm.

6. Conference facilities including multi-purpose function rooms such as,

(a) a golf course;

(b) a commercial tennis facility;  
(c) a gymnasium; and

(d) other commercial health-related tourism facilities.

7. A spa,
8. A tourist site,
9. A resort, and
10. Any other tourism-related enterprise.

#### B. Activity

1. An eco-tourism activity,
2. A tour operation service,
3. Boat riding,
4. Operating a boat house,
5. Operating a marina,
6. A vehicle rental service, such as a bus, mini bus, car, motorcycle or a bicycle,
7. Tour guiding including tour guides employed by a tour operator;
8. Travel agency services,
9. Water sport,
10. Sport fishing,
11. Aero sports in paragliding, and
12. Any other tourism-related activity.

Date of *Gazette* notification: 20th May, 2011.